

**UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS**

**SHAWN WALKER,**

Plaintiff,

**V.**

**SYNERPRISE CONSULTING  
SERVICES, INC.,**

Defendant.

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**Civil Action No.:**

## JURY TRIAL DEMANDED

## COMPLAINT

SHAWN WALKER (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against SYNERPRISE CONSULTING SERVICES, INC. (“Defendant”):

## INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA"), and the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* ("TCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.



**FACTUAL ALLEGATIONS**

15. Plaintiff has a cellular telephone number.

16. Plaintiff has only used this phone as a cellular telephone.

17. Upon information and belief, Defendant has been calling Plaintiff in order to collect a personal debt incurred primarily for personal, family, or household purposes.

18. Plaintiff does not have any business or commercial debts, so the debt at issue could only be a personal debt.

19. Beginning in or around January or February 2017 and continuing through July 2017, Defendant called Plaintiff repeatedly each day seeking a third party named Lenelle Jackson.

20. Plaintiff is not named "Lenelle Jackson" and does not know any individual by this name.

21. Defendant's calls derived from phone numbers that are not limited to the following: (913) 262-6850. The undersigned has confirmed that this number belongs to the Defendant.

22. Plaintiff knew that Defendant was calling her because she spoke to male and female collectors.

23. During this time, Defendant used an automated telephone dialing system and/or pre-recorded voice to contact Plaintiff.

24. Plaintiff knew Defendant was using an automated telephone dialing system and/or pre-recorded voice as Defendant's calls began with a pre-recorded voice before calls were transferred to collectors.

25. Defendant's calls were not for "emergency purposes."



1           35. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA by placing  
2 repeated harassing telephone calls to Plaintiff's cellular telephone between February 2017 and  
3 July 2017, and when it continued calling Plaintiff after she told Defendant that they were calling  
4 a wrong number and to stop calling her regarding the third party, Lenelle Jackson.

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7                                   **COUNT II**  
8                                   **DEFENDANT VIOLATED THE TCPA**

9           36. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at  
10 length herein.

11           37. Defendant initiated automated calls to Plaintiff using an automatic telephone  
12 dialing system.

13           38. Defendant's calls to Plaintiff were not made for "emergency purposes."

14           39. Defendant's calls to Plaintiff, on and after January or February 2017, were not  
15 made with Plaintiff's prior express consent.

16           40. Defendant's acts as described above were done with malicious, intentional,  
17 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the  
18 purpose of harassing Plaintiff.

19           41. The acts and/or omissions of Defendant were done unfairly, unlawfully,  
20 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,  
21 legal justification or legal excuse.

22           42. As a result of the above violations of the TCPA, Plaintiff has suffered the losses  
23 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles  
24 damages.  
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1 WHEREFORE, Plaintiff, SHAWN WALKER, respectfully prays for a judgment as  
2 follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- 4 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant  
5 to 15 U.S.C. § 1692k(a)(2)(A);
- 6 c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
7 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);
- 8 d. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
- 9 e. Statutory damages of \$500.00 per violative telephone call pursuant to  
10 47 U.S.C. § 227(b)(3)(B);
- 11 f. Treble damages of \$1,500.00 per violative telephone call pursuant to  
12 47 U.S.C. §227(b)(3);
- 13 g. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
- 14 h. Any other relief deemed appropriate by this Honorable Court.
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18 **DEMAND FOR JURY TRIAL**

19 PLEASE TAKE NOTICE that Plaintiff, SHAWN WALKER, demands a jury trial in this  
20 case.  
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1 RESPECTFULLY SUBMITTED,

2  
3 Date: January 31, 2018

4 By: /s/ Amy L. Bennecoff Ginsburg  
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